

Response to Office Action of June 5, 2007
09/839,697

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. §103, and all of the claims satisfy the enablement requirement of 35 U.S.C. § 112. Thus, the Applicants believe that all of these claims are now in allowable form.

In addition, the Applicants' representative would like to thank Examiner Mooneyham for kindly taking a substantial amount of time on October 11, 2007 to discuss the merits of the subject invention. The Applicants' representative is aware of the time constraint that is placed on the Examiner and is appreciative of the Examiner's willingness to devote such large quantity of time to discuss the case on the merits.

I. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 112

The Examiner has rejected claims 1, 3-20 and 22-40 under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. In response, the Applicants have amended independent claims 1 and 20, from which claims 3-19 and 22-38 depend, as well as independent claims 39 and 40, in order to more clearly recite aspects of the invention.

In particular, the Examiner submits that the claim language "allows the user to make a determination based on supporting evidence and the user (outside of the computer) using the evidence to form at least one answer" (See, page 4 of the Office Action). In the alternative, the Examiner submits that "if the computer somehow takes the associated evidence and processes it to generate a new argument ... this is not described in the specification ..." (See, page 4 of the Final Office Action).

The Applicants have amended the claim language to clarify the nature of the supporting evidence and of the argument that is generated by the claimed invention. Specifically, the Applicants have amended claims 1, 20, 39, and 40 to recite the step of "associating said supporting evidence received from said user with at least one answered template question" (emphasis added). The Applicants respectfully submit that it is clear, from this amendment, that the user provides the supporting evidence (e.g., to a computer) in connection with his or her answer, and does not obtain the

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supporting evidence (e.g., from a computer) for use in forming his or her answer.

The Applicants have additionally amended claims 1, 20, 39, and 40 to recite the step of "determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result". The Examiner seems to believe that the claims require the supporting evidence to be processed or operated on it some way. The Applicants respectfully submit that it is clear, from this amendment, that the user's answers, and not the supporting evidence, are processed or analyzed to derive a conclusion. Moreover, the Applicants respectfully submit that the claims recite no more than associating the supporting evidence with the user's answers. Nowhere in the Applicants' claims is it recited that the supporting evidence is "processed" or otherwise operated on.

By way of clarification, the claimed invention presents to a user a plurality of templates that the user may use to facilitate decision making. Upon receiving indication that the user has selected a particular template (e.g., a template that the user deems most relevant to the situation for which a decision is sought), the claimed invention then presents the user with a set of questions that is part of the template. The user answers these questions, and may additionally provide supporting evidence on which he or she has based the answers. The claimed invention then forms the argument, which includes: (1) the selected template; (2) the user's answers; (3) the supporting evidence; and (4) a conclusion supported by the user's answers. This argument is then published, and may be accessed at a later time for review. The claimed invention does not operate on the supporting evidence; the supporting evidence is simply associated with the user's answers and published with the argument, so that an individual who later reviews the argument may view the questions, the answers, and the supporting evidence together in order to gain a better understanding of the original user's thought processes (See, e.g., Applicants' published application at paragraph 0011: the supporting evidence is provided "so that an analyzer may quickly determine the line of reasoning of the argument").

Finally, the Examiner submits that there is no support "for a new argument supporting an associated conclusion, the argument comprising the selected template,

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the associated answers, the supporting evidence and the associated conclusion" and requests that "the applicant direct the Examiner to the disclosure providing this support" (See, pages 5-6 of the Office Action). Taking one limitation at a time, the Applicants respectfully submit that there is support for the inclusion of a selected template in an argument at least at paragraphs 0032-0033 of the Applicants' published application ("A user may form an argument by selecting and instantiating a template ..."; "The historical arguments/templates include arguments and templates that have been completed and stored within memory (also referred to as 'published' arguments)", emphasis added). There is support for the inclusion of a user's answers in an argument at least at paragraphs 0032 and 0049 of the Applicants' published application ("The user may at least partially complete the instantiated argument by answering one or more questions of the instantiated argument ..."; "... each argument includes a plurality of answers ...", emphasis added). There is support for the inclusion of supporting evidence in an argument at least at paragraphs 0032 and 0049 of the Applicants' published application ("The user may at least partially complete the instantiated argument by ... associating ... supporting relevant evidence with each answered question"; "... each argument includes ... one or more pieces of relevant evidence associated with each answer...", emphasis added). There is support for the inclusion of a conclusion in an argument at least at paragraphs 0012 and 0034 of the Applicants' published application ("Each argument has an associated conclusion ..."; "... users may access past situations and conclusions represented in historical arguments [i.e., published arguments]...", emphasis added). In light of at least these portions of the Specification, the Applicants respectfully submit that there is adequate support "for a new argument supporting an associated conclusion, the argument comprising the selected template, the associated answers, the supporting evidence and the associated conclusion".

Therefore, the Applicants submit that independent claims 1, 20, 39 and 40, as amended, fully satisfy the requirements of 35 U.S.C. §112. Dependent claims 3-19 and 22-38 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3-19 and 22-38 also fully satisfy the requirements of 35 U.S.C. §112. Accordingly, the Applicants

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respectfully request that the rejection of claims 1, 3-20 and 22-40 under 35 U.S.C. §112 be withdrawn.

II. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 103

A. Claims 1, 3-14, 17-20, 22-33 and 36-40

The Examiner has rejected claims 1, 3-14, 17-20, 22-33 and 36-40 under 35 U.S.C. §103(a) as being unpatentable over the Calver application (United States Patent Application Publication No. 2001/0032092, published on October 18, 2001, hereinafter "Calver") in view of the Janssen patent (United States Patent No. 6,098,062, issued August 1, 2000, hereinafter "Janssen"). In response, the Applicants have amended independent claims 1 and 20, from which claims 3-14, 17-19, 22-33 and 36-38 depend, as well as independent claims 39 and 40, in order to more clearly recite aspects of the present invention.

In particular, the Applicants respectfully submit that Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result, as recited by amended claims 1, 20, 39 and 40.

Specifically, Applicants' claims 1, 20, 39 and 40, as amended, recite:

1. An analytical system for facilitating decision making given a situation by generating and accessing arguments, wherein each argument supports an associated conclusion as to whether the given situation will likely have a negative or positive result, the analytical system comprising:

a database for storing a plurality of templates that each include a plurality of questions which when answered generate a particular argument supporting an associated conclusion regarding a particular situation that is based on answers to its associated template questions; and

an argument server comprising:

means for a user to select one of the templates which is most relevant to the given situation

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means for receiving answers to one or more of the selected template's questions from said user;

means for receiving supporting evidence from said user in response to said one or more of the selected template's questions, the supporting evidence being relied on by the user to form at least one of the answers;

means for associating said supporting evidence received from said user with said answers to said template questions;

means for determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

means for generating a new argument supporting the conclusion, the argument comprising the selected template, the associated answers, the supporting evidence and the conclusion; and

means for publishing said new argument, including said answers, said supporting evidence and said associated conclusion, for review.
(Emphasis added)

20. A method for facilitating decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the method comprising:

presenting to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

receiving from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

receiving from said user one or more answers to one or more questions of the relevant template;

receiving from said user supporting evidence in response to said one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

associating said supporting evidence with at least one answered template associating said supporting evidence received from said user with at least one answered template question;

determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

forming a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion; and

publishing said new argument, including said at least one answered template question, said supporting evidence and said conclusion, for review.
(Emphasis added)

39. A computer readable medium containing program instructions for

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facilitating decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the computer readable medium comprising:

computer code for presenting to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

computer code for receiving from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

computer code for receiving from said user one or more answers to one or more questions of the relevant template;

computer code for receiving from said user supporting evidence in response to said one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

computer code for associating said supporting evidence received from said user with at least one answered template question;

computer code for determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

computer code for forming a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion;

computer code for publishing said new argument, including said answers, said supporting evidence and said conclusion, for review; and

a computer readable medium that stores the computer codes. (Emphasis added)

40. A computer system operable facilitate decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the computer system comprising:

one or more processors;

one or more memory, wherein at least one of the processors and memory are adapted to:

present to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

receive from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

receive from the user one or more answers to one or more questions of the relevant template;

receive from the user supporting evidence in response to the one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

associate the supporting evidence received from said user with at least one of the one or more answers;

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determine a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

form a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion; and

publish the new argument, including the one or more answers, the supporting evidence and the conclusion, for review. (Emphasis added)

As discussed above, neither Calver nor Janssen teaches or suggests generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result.

By contrast, the only end result (e.g., "argument") that could be considered "published" by Calver is a list of "the types of products that can benefit the user" (See, e.g., Calver at paragraph 0078). Thus, the results produced by Calver and presented to the user comprise, at most, a conclusion and nothing more. Calver does not, for example, present along with the list of suggested products the template (questions) that the user answered, the user's answers, or any supporting evidence provided by the user. Thus, a user, or a person subsequently viewing the results, cannot follow the line of reasoning that led Calver's system to suggest the products.

Janssen, likewise, does not "publish" an argument that includes a template (questions) that a user answered or the user's answers. Janssen, in fact, does not even present questions to a user. Rather, Janssen works backwards from a conclusion ("hypothesis") and allows users to provide support ("grounds") for the conclusion. Thus, the argument structure taught by Janssen does not include questions or answers to those questions.

Moreover, the Applicants submit that Calver actually teaches away from combination with Janssen. In particular, the Applicants submit that Calver and Janssen teach processes that are the reverse of each other. Calver, for example, begins with a

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question for which a conclusion is sought (e.g., what products or services is a user likely to be interested in?), and works toward the conclusion through a series of questions posed to the user. Janssen, by contrast, begins with a conclusion (hypothesis), and works away from the conclusion by building support for or against it. Thus, the Applicant respectfully submits that the Examiner is clearly using hindsight to pick and choose elements from the references to support the rejection.

It is impermissible to use the claims as a framework from which to choose among individual references to recreate the claimed invention. *W. L. Gore Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 312 (1983). Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 U.S.P.Q. 2d 1780, 1783, Fed. Cir. (1992); *In re Gordon*, 221 U.S.P.Q. 1125, 1127, Fed. Cir. (1984) (emphasis added). The rules applicable for combining references provide that there must be a suggestion from within the references to make the combination. *Uniroyal v. Rudkin-Wiley*, 5 U.S.P.Q. 2d 1434, 1438 (Fed. Cir. 1988); *In re Fine*, 5 U.S.P.Q. 2d at 1599 (emphasis added). Therefore, the teachings of Calver do not provide any justification for combination with the methodology of Janssen.

Accordingly, the Applicants submit that for at least the reasons set forth above, independent claims 1, 20, 39 and 40 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Dependent claims 3-14, 17-19, 22-33 and 36-38 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3-14, 17-19, 22-33 and 36-38 are not made obvious by the teachings of Calver in view of Janssen. Therefore, the Applicants submit that dependent claims 3-14, 17-19, 22-33 and 36-38 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

B. Claims 15-16 and 34-35

The Examiner has rejected claims 15-16 and 34-35 under 35 U.S.C. §103(a) as being unpatentable over Calver in view of Janssen and further in view of the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter

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"Grosser"). The Applicants respectfully traverse the rejection.

As discussed above, the teachings of Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result. Grosser fails to bridge this gap in the teachings of Calver and Janssen. Therefore, the Applicants submit that for at least the reasons set forth above, independent claims 1 and 20 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 15-16 and 34-35 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 15-16 and 34-35 are not made obvious by the teachings of Calver in view of Janssen and further in view of Grosser. Therefore, the Applicants submit that dependent claims 15-16 and 34-35 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

III. STATEMENT OF SUBSTANCE OF INTERVIEW OF OCTOBER 11, 2007

In response to the Interview Summary dated October 16, 2007, the Applicants submit the following statement regarding the substance of the interview.

- A) No exhibits or demonstrations were conducted.
- B) Independent claims 1, 20, 39 and 40 were discussed.
- C) The Calver and Janssen references were discussed.
- D) Amendments to overcome the rejections under 35 U.S.C. §112 were discussed.
- E) The Examiner's Interview Summary correctly describes the substance of the interview.
- F) No other pertinent matters were discussed.

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G) No agreement was reached concerning a particular claim amendment.

IV. CONCLUSION

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §112 and 35 U.S.C. §103. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

11/5/07
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